

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH EBIN and YERUCHUM JENKINS,	: Docket No. 13-cv-2311 (JSR)
individually and on behalf of all others similarly	:
situated,	: <b>DEFENDANT'S NOTICE OF</b>
	: <b>MOTION TO DISMISS THE</b>
Plaintiffs,	: <b><u>COMPLAINT</u></b>
	:
-against-	:
	:
KANGADIS FOOD, INC. d/b/a/ THE GOURMET	:
FACTORY,	:
	:
Defendant.	:
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**PLEASE TAKE NOTICE** that, upon the Declaration of Michael A.H. Schoenberg, dated May 3, 2013, the exhibits attached thereto, and the accompanying Memorandum of Law, defendant Kangadis Food, Inc. will move before the Honorable Jed S. Rakoff, United States District Court Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York New York 10007, on June 3, 2013, or any adjourned date, for an Order, (i) pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint against Defendant for failure to state a claim upon which relief can be granted, and (ii) granting such other and further relief as the Court deems appropriate.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's oral direction during a pre-motion conference held on April 30, 2013, Plaintiffs' opposition to the within motion, if any, must be served on or before May 17, 2013, and Defendant's reply in further support of the within motion must be served on or before May 24, 2013.

Dated: Uniondale, New York  
May 3, 2013

FARRELL FRITZ, P.C.  
*Attorneys for Defendant*

By: 

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